

REMARKS

Claims 1-6 are pending in this application. All of the pending claims are rejected under 35 U.S.C. §112 second paragraph as being indefinite. None of the claims are currently amended. Reconsideration is respectfully requested.

The Office asserts that Applicant's argument that attenuation of signal strength of transmission from the alternative access point does not represent a received power level makes the claims unclear because (1) the specification allegedly characterizes attenuation level as the received power level at page 82; and (2) at page 49 the specification states that TP backoff and received power are used to calculate distance to the AP. Both of these reasons appear to be based on confusion about what is being attenuated, and how. The term "attenuation" is used in this application to help describe the reduction of signal strength in several different ways. For example, signal strength is attenuated over-the-air by both distance and obstacles. Further, signal strength can be attenuated intentionally at the transmitter to produce a weaker signal before the signal reaches the air. The term "attenuation" should therefore be read in the context of the passage in which it is used. Bearing that in mind, it should be clear that the passage cited at page 82 of the specification describes over-the-air attenuation, whereas the argument submitted by Applicant is that before-the-air attenuation at the transmitter cannot be calculated from received signal strength alone. Note that the passage at page 82 never refers to attenuation of transmissions, but rather to attenuation of received power level. Note also that the calculated distance referenced at page 49 is not a conventional distance measurement, but rather a relative unit (referred to as "Banzais") derived from received signal strength and TP backoff. This feature is also described at pp. 38-39, including an exemplary mathematical formula. Withdrawal of the rejections is therefore requested.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

October 15, 2007
Date

Respectfully Submitted,

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